

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HIGHWAY MATERIALS, INC.,

Plaintiff,

v.

WHITEMARSH TOWNSHIP, *et al.*,

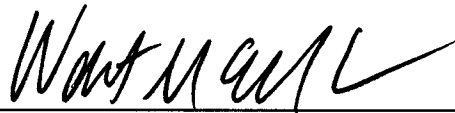
Defendants.

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CIVIL ACTION NO. 02-3212

**MOTION OF HIGHWAY MATERIALS, INC. FOR LEAVE  
TO FILE A SUR-REPLY BRIEF IN OPPOSITION TO  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiff Highway Materials, Inc. ("HMI") hereby requests leave to file the attached four-page Sur-Reply Brief in Opposition to Defendants' Motion for Summary Judgment. In their Reply Memorandum, defendants for the first time attacked the testimony of expert Marc J. Jonas. HMI believes that defendants' position with respect to Mr. Jonas is incorrect and wishes to briefly address the issue. Accordingly, HMI requests that the Court grant leave to file the attached Sur-Reply Brief.



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Dated: September 17, 2004

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